

Commissioner of Patents

Serial No.: 10/565,128

Response Date: August 16, 2011

Response to Notice of Non-Compliant Amendment Dated July 19, 2011

and the Restriction Requirement Dated April 12, 2011

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**REMARKS**

**I. Status of the Application**

Claims 1-8 and 10-21 were pending in the Application prior to the Restriction Requirement, and claims 2, 3, and 7 were previously withdrawn. In the Restriction Requirement, the Examiner alleged that the Application contains more than one invention that are not so linked as to form a general inventive concept under PCT Rule 13.1, and as a result, the Examiner has required that Applicant elect between the following groups:

Group I: Claims 1, 4-6, and 11-15, drawn to a current collecting structure comprising carbon as the active material formed on a current collecting substrate, classified in class 429, subclass 231.4; and

Group II: Claims 8, 10, and 16-21, drawn to a current collecting structure comprising carbon as the active material or a specified electrochemical active material, classified in class 429, subclasses 213 and 218.1.

In addition, the Examiner alleged that the Application contains claims directed to the following patentably distinct species:

Within Group I (noting that claims 1, 4-6, 14, and 15 are generic)

Species 1: Claim 11; and

Species 2: Claims 12 & 13; or

Within Group II (noting that claims 8, 10, and 21 are generic)

Species 1: Claims 16 & 17; and

Species 2: Claims 18-20.

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Applicant was required to elect a single disclosed species within the elected group, and to identify the claims readable on the elected species, for prosecution on the merits.

**II. Election and Identification of Invention/Claims**

Applicant respectfully elects Group I, and claims 1, 4-6, and 11-15 therein, without traverse, and elects Species 2, and claims 12 & 13 therein, without traverse, noting that claims 1, 4-6, 14, and 15 are generic to either species. Accordingly, Applicant respectfully requests examination and allowance of claims 1, 4-6, and 12-15 of the Application. Applicant expressly reserves the right to file any ultimately unelected/withdrawn claims in one or more divisional applications.

**III. Petition for an Extension of Time to Submit the Present Response**

Applicant previously petitioned for an extension of time of one (1) month, under 37 C.F.R. § 1.136(a), thereby extending the deadline for response, pursuant to 37 C.F.R. §§ 1.7(a) & 1.136(a), to Monday, June 13, 2011 (taking into consideration that June 12, 2011 falls on a Sunday). As Applicant has previously authorized payment for this extension in the amount of \$65.00, and as the Notice of Non-Compliant Amendment provides a new period of reply (for which the present Response is timely), no further extensions appear to be necessary.

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**CONCLUSION**

It is respectfully submitted that Applicant has made a patentable contribution to the art and that this Response places the Application in condition for allowance. Accordingly, favorable consideration and allowance of claims 1, 4-6, and 12-15 of this Application is respectfully requested.

In the event Applicant has inadvertently overlooked the need for a payment of an additional fee or for an additional extension of time, Applicant conditionally petitions therefor, and authorizes any fee deficiency to be charged to deposit account 09-0007. When doing so, please reference docket number P01901-US-00 (24853.1000).

Respectfully submitted,

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